

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

Bathurst et al.

Serial No.: 10/040,572

Filed: 4 January 2002

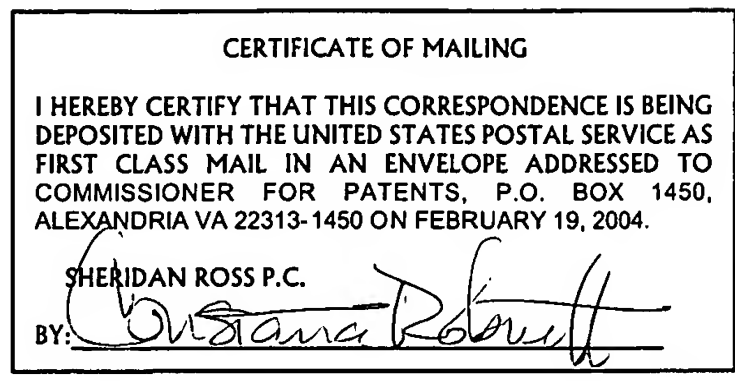
Atty. File No.: 4147-23-1

For: FC RECEPTOR MODULATORS
AND USES THEREOF

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

) Group Art Unit: 1654
)
)
) Examiner: Michele Flood
)
)
)
)
)
)

TERMINAL DISCLAIMER



Dear Sir:

I, Robert D. Traver, am authorized to sign this document on behalf of Sky High, LLC. Sky High, LLC or its predecessors in interest, which is the owner by assignment of the entire right, title and interest in and to U.S. Patent Application Serial No. 10/040,572, for "AQUEOUS ANTI-APOPTOTIC COMPOSITIONS", filed January 4, 2002.

I hereby disclaim, on behalf of Sky High, LLC, the terminal part of any patent granted on U.S. Patent Application Serial No. 10/040,572 which would extend beyond the expiration date of U.S. Patent No. 6,413,556 and hereby agree on behalf of Sky High, LLC that any patent granted on U.S. Patent Application Serial No. 10/040,572 shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,413,556, this agreement to run with any patent granted on U.S. Patent Application Serial No. 10/040,572 and to be binding upon the grantee of such patent and its successors or assigns.

I do not disclaim any terminal part of any patent granted on U.S. Patent Application Serial No. 10/040,572 prior to the expiration date of the full statutory term of U.S. Patent No. 6,413,556 in the event that any such patent later: expires for failure to pay a maintenance fee, is

held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims cancelled by reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The evidentiary documents referred to in the instant Terminal Disclaimer have been reviewed by the undersigned and it is certified that to the best of assignee's knowledge, title is in the assignee.

A check in the amount of \$55.00 as payment of the statutory disclaimer fee for a small entity specified under 37 CFR 1.20(d) is enclosed with this disclaimer.

Respectfully submitted,

SHERIDAN ROSS P.C.

By: ROBERT D. TRAVER
Robert D. Traver
Registration No. 47,999
1560 Broadway, Suite 1200
Denver, Colorado 80202-5141
(303) 863-9700

Date: 19 FEB 2004